# 2005 Legislation Affecting the National Guard and Reserve

National Defense Authorization Act for Fiscal Year 2005

Public Law 108-xxx

# Manpower Management

## Sec 416 — Accounting and Management of RC Members Providing Operational Support

- New category for RC members serving voluntarily on active duty or full-time National Guard duty to provide operational support
- Eliminates the 180-day rule
- May remain in this status for up to 3 years out of previous 4 years
- No grade ceilings for field grade and senior enlisted

## Sec 415 — Operational Support Ceilings

| | |
|---|---|
| ARNG — 10,300 | USAR — 5,000 |
| USNR — 6,200 | USMCR — 2,500 |
| ANG — 10,100 | USAFR — 3,600 |

- SecDef may increase by 10%

# Personnel Policy

## Sec 501 — All Regular Officer Force

- **Elimination of the 6-year service requirement for all reserve retirements**
  - **Applies to RC members who complete 20 years of service 180 days on or after date of enactment (Oct 28, 2004; 180 days = April 25, 2005)**
- **Allows the Secretary concerned, subject to approval of the President, to reappoint an officer transferred from the ADL to the RASL under the force shaping authority**
- **Allows the Secretary concerned, subject to approval of the President, to make an original appointment for an officer transferred from the RASL to the ADL**

## Sec 514 — Mobilize to Train

- **Allows RC members to be involuntarily call to active duty for training under the existing mobilization authorities:**

**§12301 — Full mobilization**
**§12302 — Partial Mobilization**
**§12304 — Presidential Reserve Call-up**
**§12306 — Standby Reserve Call-up**

# Personnel Policy (Cont'd)

## Sec 511 — Revised Purpose of the RC

- **Strikes the phrase following from the statutory purpose of the Reserve components to more accurately reflect how they are used today**

  **"during and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization"**

## Sec 521 — Release Within 30 Days Because of Medical Condition

- **RC members ordered to active duty for more than 30 days found not to meet medical standards for deployment or retention because of a pre-existing condition may be released from active duty and be treated as if ordered to active duty for 30 days or fewer**

## Sec 522 — Active Duty Sanctuary

- **Clarifies that this sanctuary provision only applies when the member will qualify for an active duty retirement**

# Personnel Policy (Cont'd)

## Sec 523 — Mil Leave for MilTechs

- Allows military technicians to use their 44 days of military leave during time of war or national emergency

## Sec 520 — Recognition Items for RC Members

- Allows ARNG to present items, valued at no more than $50 per item, to recognize the member's service in the National Guard
- Allows USAR to present items, with combined value of no more than $50, to recognize the member's service in the Army Reserve.

## Sec 536 — RC Chiefs' Joint Duty Experience

- Provides a two-year extension (to Dec 31, 2006) of SecDef joint duty experience waiver authority
- Requires a report on the plan to ensure RC Chiefs have joint experience so waivers are no longer required

# Health Care Provisions

## Sec 701 — TRICARE for Certain RC Members

- **TRICARE Standard for Selected Reserve members who served 90 or more consecutive days in support of a contingency operation**
- **Must agree to remain in the Selected Reserve for at least one year**
- **One year of TRICARE Standard (regardless of duty status) for each 90 consecutive days of qualifying duty**
- **Benefit begins following 180-day transitional healthcare period**
- **Requires member to pay a premium of 28% of the cost for care**
- **Benefit terminates early if the member separates from the Selected Reserve**

## Sec 1101 — FEHB Payment for Reserve Component Members Supporting a Contingency Operation

- **Allows federal civilian employees may continue FEHB for up to 24 months**
- **Allows federal agencies to pay the entire premium share for up to 24 months**

# Health Care Provisions (Cont'd)

## Sec 703 — Early Eligibility to TRICARE

- **Made 90-day early eligibility for TRICARE permanent (sec 521. – release within 30 days)**

## Sec 706 — Transitional Health Care

- **Made 180-day transitional health care permanent**

## Sec 704 — Waiver of Deductibles for Reservists

- **Waives TRICARE deductible payments if called to active duty or full-time National Guard duty for >30 days**

## Sec 705 — Payment of Additional Health Care Charges

- **Allows payment of charges in excess of TRICARE payment limits**
- **115% of maximum allowable changes**

# Health Care Provisions (Cont'd)

## Sec 732 — Medical Readiness of Reserves

- **CompGen to review the health status and medical fitness of RC members who were ordered to active duty for OEF and OIF**
- **SecDef to take measures to ensure RC members and unit commanders fulfill their responsibilities and meet medical and dental readiness requirements**
- **SecDef to prescribe a uniform policy regarding deferral of medical treatment of members pending deployment**

## Sec 737 — Medical Care at Military Installations

- **SecDef to ensure anticipated health care needs of members at mobilization installations can be met – consider arrangements with:**
  - **VA health care providers**
  - **local health care providers**
  - **temporarily employed health care providers**

# Bonus Authorities

## Sec 618 — Reserve Bonus Authorities

- Generally doubles or triples RC bonus amounts
  - Rule of thumb: 50% of active bonuses
- Allows reenlistment bonus to be paid more than once
- Allows reenlistment bonus to be paid in lump sum
- Increased Ready Reserve enlistment bonus but failed to reauthorize it

## Sec 619 — Accession/Affiliation Bonus for Reserve Officers

- Three year commitment to serve in the Selected Reserve
- $6,000 maximum
- Payment in lump sum or installments

## Sec 620 — Foreign Language Proficiency Pay

- Provides a bonus for reservists so 1/30th rule no longer a factor
- Maximum — $6,000 annually

## Sec 622 — Critical Skill Conversion Bonus for RC members

- $2,000 to convert to a critical skill

# Educational Assistance

## Sec 527 — Educational Assistance for Certain RC Members

- Must serve 90 consecutive days or more in support of a contingency operation; or serves 90 consecutive days or more in a title 32 status when authorized
- Benefit level based active duty education program
  - 90 consecutive days = 40% ($401/mo)
  - 1 continuous year = 60% ($602/mo)
  - 2 continuous years = 80% ($803/mo)
- To use benefit:
  - SelRes members must stay in the Selected Reserve
  - IRR members must stay in the Ready Reserve

## Sec 553 — Tuition Assistance for Mobilized Officers

- Secretary concerned may waive the active duty service obligation for officers:
  (1) subject to mandatory separation
  (2) who completed active duty service in support of a contingency operation
  (3) other exigent circumstances determined by the secretary concerned
- Repeals the 75% restriction on TA for RC officers of the Army.

# Educational Assistance (Cont'd)

## Sec 526 — Education Loan Repayment for Certain Commissioned Officers

- Requires continued repayment of loans for an officer who enters into a service commitment for loan repayments as an enlisted member and was subsequently commissioned as an officer

## Sec 662 — Education Loan Repayment for RC Health Professions Officers

- Allows loan repayment for loans to obtain the basic professional qualifying health profession degree

# Survivor Benefits/Disability

## Sec 644 — Elimination of SBP Reduction

- Eliminates the SBP social security offset
- Increase the annuities from 35% to 55% as follows:
  - 40 percent for months after September 2005 and before April 2006
  - 45 percent for months after March 2006 and before April 2007
  - 50 percent for months after March 2007 and before April 2008
  - 55 percent for months after March 2008
- Phased in reduction/elimination of the SBP supplemental annuity program—eliminated on April 1, 2008.

## Sec 645 — SBP Open Enrollment Period

- Authorize an open season for retired members to participate in the SBP or increase the level of their participation level
- One year open season beginning October 1, 2005

## Sec 641 — High 36 Calculation

- The high-36 month disability retired pay calculation based on last 36 months regardless of duty status, rather than the last 1095 days of active service

# Income Loss

## Sec 663 — Allow for Civilian Pay for Mobilized Reservists

- Amends 18 USC 209 to allow reservists serving in support of a contingency operation to receive pay from their civilian employers

## Sec 664 — Agriculture Loan Relief

- Forgives interest payments on agriculture loans while serving in support of a contingency operation
- Defers principal payments
- No interest accrues during the period of military service

## Sec 665 — Survey Income Reduction

- Requires SECDEF to conduct a survey and analysis of income difference of RC members serving in support of a contingency operation
- Analyze the effect on retention
- Report due to Congress by January 31, 2006.
- GAO must assess the findings and report to Congress by March 31, 2006.

# Next Steps

## Recommendations?

# Fiscal Year 2006

## New/additional revisions to bonus authorities

- RC Critical Skills Bonus
- Selected Reserve Affiliation Bonus

## Education Benefits

- Technical correction to new program
- Increase MGIB-SR benefit level to 50% of active

## Coordinate health benefits with USERRA protections

## Others?

# Back up slides

# Component Specific Provisions

## Sec 512 — Homeland Defense Activities of the National Guard

- National Guard members may perform such activities under 32 USC 502(f) with SecDef approval
- Up to 180 days (plus 90 days in extraordinary circumstances)

## Sec 507 — Chief, Nation Guard Bureau Succession

- The more senior officer of either the Army or Air National Guard of the United States on duty with National Guard Bureau would assume responsibility as the acting Chief of the National Guard Bureau if the Chief vacates the office or if otherwise is unable to perform the duties of the office

## Sec 508 — Director, NGB Joint Staff Designation

- Vice Chief of the National Guard Bureau position changed to Director of the Joint Staff of the National Guard Bureau

# Component Specific Provisions (Cont'd)

## Sec 515 — AC Advisers to ARNG/USAR

- **Authorizes Army to reduce AC advisors to the Army RCs: from 5,000 to 3,500**
- **But only after the Army summits a report to Congress on how the Army will provide AC support for training and readiness of the ARNG and USAR**

## Sec 517 — Naval Reserve Name Change

- **Allows redesignation of the "Naval Reserve" as the "Navy Reserve"**
- **But not until 180 days after submitting legislation identifying all provisions of law that refer to the "Naval Reserve"**

## Sec 518 — Navy AC/RC Integration Assessment

- **Comp Gen review of the Navy's AC/RC implementation plans**

## Sec 504 — Distribution Marine Corps Reserve Officer

- **Increases grade ceilings for Marine Corps Reserve officers in an active status to total 100%**

# Commissions/Studies

## Sec 513 — Commission on Guard and Reserve

- Assess RC roles and missions
- Review compensation and benefits provided to RC members
- Annual review required thereafter

## Sec 531 — Joint Officer Development Strategic Plan

- Assess the propriety and implications of providing joint specialty officer qualification to reserve officers who have achieved the statutory prerequisites
- Include a plan for development of joint reserve officers who are on the RASL

## Sec 702 — GAO Study of Health Insurance Stipend

- Requires GAO to conduct a study of providing a stipend to RC members in order to maintain private health insurance

# Commissions/Studies (Cont'd)

## Sec 592 — Specialized Skills and Civilian Skills Corp

- Submit a plan to Congress for special or lateral entry of persons with specialized skills
- Provide a study the feasibility of a civilian skills corps (Auxiliaries)

## Sec 598 — Report on Transition Assistance Programs

- CompGen evaluation of DoD transition assistance program to include an assessment of the adequacy of the program in meeting the needs of RC members

## Sec 587 — Study of AF Blended Wings Concept

- SecAF to report on characteristics and locations of blended wings, how the are functioning and future plans

# Commissions/Studies (Cont'd)

## Sec 643 — Death Benefit Enhancements

- Requires death gratuity to be adjusted by the same percent as the increase in basic pay
- Requires recommendations on:
  - Increasing SGLI to $350,000
  - Providing minimum SGLI benefit of $100,000 at no cost to members electing maximum coverage
  - Additional death gratuity — equal to one year of pay and allowances for a death not resulting from hostile action
  - Additional death gratuity — equal to two years of pay and allowances for a death resulting from hostile action
  - Retroactive application of the enhanced death gratuity for families of members who died while deployed supporting OEF/OIF

## Sec 666 — Service-Connected Disabled Veterans Study

- Study of the totality of all current and projected disability benefits that are available to disabled members and former disabled members of the Armed Forces for service-connected disabilities